

JASON M. FRIERSON
United States Attorney
Nevada Bar No. 7709
KIMBERLY M. FRAYN
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Tel: (702) 388-6336
Fax: (702) 388-6418
Kimberly.Frayn@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL ANTONIO MURILLO-RAMOS,
aka "Giovanni Alberto Murillo,"
aka "Miguel Murillo,"

Defendant.

Case No. 2:24-mj-501-DJA

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment**

(Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and KIMBERLY M. FRAYN, Assistant United States Attorney, counsel for the United States of America, and Amanda Pellizzari, Esq., counsel for Defendant MIGUEL ANTONIO MURILLO-RAMOS, that the Court schedule the preliminary hearing in this case for no earlier than 90 days from the current December 16, 2024, preliminary hearing date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. The United States Attorney's Office has developed an early disposition
3 program for immigration cases, authorized by the Attorney General pursuant to the
4 PROTECT ACT of 2003, Pub. L. 108-21.

5 2. The early disposition program for immigration cases is designed to: (1) reduce
6 the number of hearings required in order to dispose of a criminal case; (2) avoid having
7 more cases added to the court's trial calendar, while still discharging the government's duty
8 to prosecute federal crimes; (3) reduce the amount of time between complaint and
9 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
10 indictments in immigration cases, which in turn reduces court costs.

11 3. The government has made a plea offer in this case that requires defendant to
12 waive specific rights and hearings in exchange for "fast-track" downward departure under
13 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is
14 indicted and before a preliminary hearing is held.

15 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
16 preliminary hearing within a reasonable time, but no later than 14 days after the initial
17 appearance if the defendant is in custody"

18 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
19 showing of good cause—taking into account the public interest in the prompt disposition of
20 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
21 times"

22 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny
23 information or indictment charging an individual with the commission of an offense shall be
24

1 filed within thirty days from the date on which such individual was arrested or served with a
2 summons in connection with such charges.”

3 7. On August 2, 2024, new defense counsel Amanda Pellizzari, Esq. was
4 appointed due to a conflict with the Federal Public Defender’s Office. On August 20, 2024,
5 Ms. Pellizzari, Esq. received a copy of the discovery from the government. On December
6 11, 2024, Ms. Pellizzari, Esq. asked the government to continue the preliminary hearing so
7 that the defense could engage in additional discussion with the government. Also, the
8 defendant and his counsel need additional time to review the discovery and investigate
9 potential defenses to make an informed decision as to how to proceed, including whether to
10 accept the fast-track plea agreement.

11 8. Accordingly, the parties jointly request that the Court schedule the
12 preliminary hearing in this case no sooner than 90 days from the current December 16, 2024
13 preliminary hearing date.

14 9. Defendant is in custody and agrees to the extension of the 14-day deadline
15 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
16 § 3161(b), provided that the information or indictment is filed on or before the date ordered
17 pursuant to this stipulation .

18 10. The parties agree to the extension of that deadline.

19 11. This extension supports the public interest in the prompt disposition of
20 criminal cases by permitting defendant to consider entering into a plea agreement under the
21 United States Attorney’s Office’s fast-track program for § 1326 defendants.

22 12. Accordingly, the additional time requested by this stipulation is allowed
23 under Federal Rule of Criminal Procedure 5.1(d).
24

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL ANTONIO MURILLO-RAMOS,
aka "Giovanni Alberto Murillo,"
aka "Miguel Murillo,"

Defendant.

Case No. 2:24-mj-501-DJA

**[Proposed] Order on Stipulation to Extend
Deadlines to Conduct Preliminary Hearing
and File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on December 16, 2024, at the hour of 4:00 p.m., be vacated and continued to **March 17, 2025, at 4:00 p.m.**

DATED this 12th day of December, 2024.


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE